

**COMMITTEE ON LIMITED JURISDICTION COURTS
MINUTES**

Wednesday, September 16, 2009
10:00 am to 3:00 pm
State Courts Building
Conference Room 119 A/B
1501 W. Washington Street
Phoenix, AZ 85007

MEMBERS PRESENT:

Honorable Antonio Riojas	Honorable Sam Goodman
Honorable Ted W. Armbruster – <i>telephonic</i>	Mr. Patrick Kotecki
Honorable Phillip W. Bain	Honorable Nicole Laurin – <i>telephonic</i>
Mr. C. Daniel Carrion	Honorable Dorothy Little
Honorable Thomas L. Chotena	Mr. Doug Pilcher
Ms. Faye Coakley	Ms. Lisa Royal
Ms. Joy Dillehay	Mr. Mark Stodola
Honorable Maria Felix	Honorable J. Matias Tafoya

MEMBERS ABSENT:

Honorable Timothy Dickerson	Ms. Marla Randall
Honorable Jeffrey A. Klotz	

PRESENTERS/GUESTS:

Mr. Paul Julien	Ms. Melinda Hardman
Mr. Jim Price	Ms. Patience Huntwork
Ms. Christi Weigand	Mr. David Withey
Ms. Dori Ege	Ms. Niki O’Keefe
Ms. Janet Scheiderer	Mr. Jerry Landau

STAFF:

Mark Meltzer	Tama Reily
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I. REGULAR BUSINESS

A. Welcome and Opening Remarks

With a quorum present, Judge Antonio Riojas, Chair, called the September 16, 2009, meeting of the Committee on Limited Jurisdiction Courts (LJC) to order at 10:00 am.

Judge Riojas called members’ attention to the new hand sanitizers that have been installed at the entrance to the conference rooms in the building in the interest of preventing spread of the H1N1 virus.

Mr. Chris Manes, AOC Information Technology Division, explained the new wireless conference system being used in today's meeting.

B. Approval of May 20, 2009 Minutes

The minutes for the May 20, 2009, meeting of the LJC were presented for approval.

MOTION: To approve the minutes of the May 20, 2009, LJC meeting as presented. Motion seconded. Passed unanimously. LJC-09-016

C. Introduction of Director of the Education Services Division

Mr. Paul Julien, AOC Judicial Education Officer, introduced Mr. Jeff Schrade, new director of the Education Services Division. Mr. Schrade was formerly the Senior Director for the Arizona Foundation for Legal Services and Education. Mr. Schrade expressed his intent to get out and about to meet the individuals in the court community. He also encouraged members to feel free to call or email him at any time.

II. BUSINESS ITEMS/POTENTIAL ACTION ITEMS

A. E-Filing Implementation

Mr. Jim Price, AOC Project Manager for the Statewide E-Filing Initiative, and Ms. Christi Weigand, AOC Limited Jurisdiction Business Lead, gave an update on Phase I of the E-filing project. Mr. Price stated that small claims intelligent and general civil intelligent forms are now available online in the Maricopa Justice Courts for the 'pay and print' process, and should be available in Pima courts later in the month. Eviction actions forms are due out in the fall. He also provided a brief overview of the AJC approved filing fees for the various filing options, and the administrative orders and rule changes taking place that will allow electronic filing to proceed.

Ms. Weigand shared some of the tools being utilized in the marketing efforts for the product, including the Turbocourt poster and brochures, which are to be displayed in courts around the state. The e-filing slogan "*Fast, Simple, Convenient*" was revealed, as well as the brand name *azturbocourt.gov*, which is being used for the portal and the service. Ms. Weigand also demonstrated a test of the online process for eviction actions.

A question was raised as to whether a party can respond to the eviction action electronically. Ms. Weigand explained that an answer form will be available, however, the party would print the form and file in person or by mail. Once the full electronic filing function is up and running, the party will be able to submit the response electronically. The electronic submissions feature is still several months away.

Judge Riojas requested that Mr. Price and Ms. Weigand provide an e-filing update at a future LJC meeting in order to keep members apprised of the status of the eviction forms.

B. Approval of A.C.J.A. § 6-211

Ms. Dori Ege, AOC Adult Probation Services Division, presented proposed code section 6-211: Inter-County Courtesy Transfers. Ms. Ege explained that this code section was put into place in January 2004, however, it recently underwent review and revision aimed at clarifying the language and improving the process by which courtesy transfers of probationers are made from county to county. This code section is being presented to the LJC due to the fact that some cases generated out of the lower courts will require superior court probation supervision. Ms. Ege directed members' attention to section F(5) of the code, where language changes have been made to the code since the meeting materials were prepared. The new language reads as follows:

“A judge from the sending county may assess the probationer who requests a transfer additional amounts monthly, as part of the probation service fees, charged pursuant to A.R.S. 13-901(A) following due consideration of the probationers ability to pay the increased fee.”

Ms. Ege explained the changes were made per the recommendations of legal advisors, to ensure consistency with the statute that allows the authority to assess any kind of additional probation service fees. The code section was approved by the Committee on Probation (COP) in early September with the exception of striking the first five words “In accordance with caseload capacities...” in sections E(1) and E(2). Ms. Ege stated it is expected that the code section will be presented at the Arizona Judicial Council (AJC) in October.

MOTION: To recommend A.C.J.A. §6-211: Inter-County Courtesy Transfers proceed to AJC with the changes made to sections F(5), E(1) and E(2) as discussed. Motion seconded. Approved unanimously.
LJC-09-017

C. Survey by the Interstate Compact Workgroup

Committee member, Mr. Mark Stodola, and Ms. Dori Ege reported on the results from the workgroup's survey, which was administered to the state's limited jurisdiction courts. Ms. Ege recounted that the survey responses indicate there are interstate compact eligible offenders living in other states, but without supervision under the interstate compact.

Mr. Stodola noted the workgroup has explored various ways the level of awareness of the compact can be raised, some of which included 1) providing additional education for judges, or 2) adoption of an administrative order that would indicate the need to be in compliance with interstate compact.

The committee discussed what might be an effective way to communicate the needed information to all of the limited jurisdiction courts. One suggestion was to develop a supreme court mandated guideline listing the steps that every judge should take in these situations.

Mr. Jeff Schrade offered that with the cancellation of the 2010 Judicial Conference, the Education Division may be looking for opportunities to provide relevant, targeted training at events scheduled to take place. A few such events could include the justice of the peace and magistrate conferences, as well as the limited jurisdiction new judge orientations. Ms. Ege offered to be on hand, and/or present on the issue at any of the events discussed.

Some members contended that certain factors may contribute to noncompliance with the Compact. It was pointed out that the language in the Compact, in the definition of 'supervision', is somewhat vague and that some basic language revisions could provide clarity for limited jurisdiction judges, thereby improving compliance. As well, the fact that judges and/or courts don't necessarily receive notification when someone moves out of state makes it difficult to notify the other states.

Judge Riojas stated that at this time there is no action to be taken on this item. Mr. Stodola noted that the workgroup will follow up with the organizers of some of the events discussed in order to get the issue on their agendas.

D. Update on the Supreme Court's Strategic Agenda

Ms. Janet Scheiderer, Director of the AOC Court Services Division, provided an update on the development of the new strategic agenda. Ms. Scheiderer thanked the members of the workgroup that developed potential initiatives for the new strategic agenda. She reported that the suggestions have been compiled along with those received from various associations and AJC committees and are currently being reviewed. She indicated that as the agenda is being developed, limited resources will play into the decision-making process.

Ms. Scheiderer added that a title for the agenda has not yet been chosen and she encouraged members to continue bringing forth suggestions for the title. The goal is to have a draft of the agenda ready to present at the October AJC meeting, and possibly, the new strategic agenda can be introduced by the end of 2009 or the beginning of 2010.

E. Rules Update

Ms. Patience Huntwork, AOC Legal Services Division discussed the new rules that impact limited jurisdiction courts.

R-06-0016

Amends Rule 1.6, Rules of Criminal Procedure. Among other things, it provides for appearances by defendants via videoconferencing, at the sole discretion of the court and without the consent of the defendant, under specified conditions.

R-08-0017

Amends Rules 6(c) and 6(e), Rules of Protective Order Procedures to conform with amendments to A.R.S. 13-3602(E) and A.R.S. 12-1809(E) and to make technical changes to Rules 1, 2, 4, and 7 of the Rules of Protective Order Procedure.

R-08-0019

Allows for court orders that juveniles or adults charged with specified offenses submit biological samples for DNA testing.

R-08-0021

Adopts on a permanent basis various amendments to Rule 1, 2, and 22 Rules of procedure in Civil Traffic Cases, affecting the photo enforcement system.

R-08-0026

Adopts on a permanent basis amendments to Rule 28.2, Arizona Rules of Criminal Procedure, which grants prosecutors and/or law enforcement agencies discretion to dispose of evidence, specifically, court ordered fingerprints.

R-08-0027

Amends and adopts on a permanent basis Rules 57.1 and 57.2, Arizona Rules of Civil Procedure related to procedures for victims of identity theft. Petitions filed under these rules are filed in superior court.

R-08-0039

Amends Rule 123, Rules of the Supreme Court, Rule 2.3 Rules of Criminal Procedure, and adds Rule 5(f), Rules of Civil Procedure, to provide greater access to case records.

R-09-0002

Amends Rule 10.1, Rules of Procedure in Civil Traffic and Civil Boating Violation Cases, and allows parties to appear via audio visual means.

R-09-0026

Amends Rule 6(C), Arizona Rules of Protective Order Procedure, which adds relationships of a romantic or sexual nature to the definition of statutory relationships. Comments are due by May 20, 2010.

R-09-0029

Amends Rules 3.2, 4.2, 7.5, 14.3, 26.10, and Form 3(a), Rules of Criminal Procedure, and the Arizona Traffic Ticket and Complaint Form, which provides

procedures for obtaining fingerprints in criminal proceedings. Comments are due by May 20, 2010.

F. Approval of A.C.J.A. §§ 1-604 and 1-605

Ms. Melinda Hardman, Specialist in the Court Programs Unit of the AOC, presented two new proposed code sections. Ms. Hardman reported that the code sections came about as a result of the passage of the Rule Petition amending Supreme Court Rule 123 and granting access to records maintained in the judiciary, including bulk data, database access, and case look-up websites. The new code sections deal with the standards and procedures for courts to release records.

MOTION: To approve A.C.J.A. § 1-604: Remote Electronic Access to Case Records as presented. Motion seconded. Approved unanimously. LJC-09-018

MOTION: To approve A.C.J.A. § 1-605: Requests for Bulk or Compiled Data as presented. Motion seconded. Approved unanimously. LJC-09-019

G. Approval of A.C.J.A. § 1-303

Mr. David Withey, AOC Chief Legal Counsel, presented new ACJA § 1-303: Code of Conduct for Judicial Employees. This code section was previously presented to LJC in March 2008, however, members had concerns about amendments addressing employees seeking judicial department elective office. The new code rectifies those concerns, and was developed so that it corresponds with the new Code of Judicial Conduct, where the same principles apply to both judges and employees. Mr. Withey described the amendments, additional language, and new provisions in the code section. The code section is expected to be presented at the October or December AJC meeting.

MOTION: To recommend adoption of ACJA § 1-303: Code of Conduct for Judicial Employees as presented. Motion seconded. Approved unanimously. LJC-09-020

H. H1N1 Update

Ms. Niki O'Keeffe, Director of the Administrative Services Division for the AOC, updated the committee about the current recommendations from the Arizona Department of Health Services for the 2009 – 2010 influenza seasons. Due to the effects of the first wave of H1N1 in 2009, employers are being encouraged to take recommendations seriously. Informational handouts were provided in the meeting materials.

I. Legislative Update

Mr. Jerry Landau, Director of Government Affairs for the AOC, and Sarah Ella Spears, Legislative Extern, provided the legislative update. Mr. Landau noted there are no proposals to present at this time. He reminded members that any proposals

submitted this year should be limited to those that would directly enhance court efficiency or have an effect on the budget. He disclosed that the budget would be the dominate issue again this year, as expectations are that it will be worse in fiscal year 2011 than it was in 2010. The legislature will come back into special session at least once, to deal with the 2010 budget and any shortfalls that may result due to the lack of revenue coming into the state.

Mr. Landau also informed the committee there will be a DUI and Traffic Conference in Tempe on October 28th, 29th, and 30th, hosted by the Governor's Office of Highway Safety.

III. OTHER BUSINESS

A. NEXT MEETING:

Wednesday, October 28, 2009

State Courts Building

Conference Rooms 119 A/B

10:00 a.m. – 2:00 p.m.

The time period for this meeting may be shortened to a morning session only to permit members to attend the Governor's Conference, as set out above.

B. Good of the Order/Call to the Public

No public response.

The meeting was adjourned at 2:00 p.m.